



## INTERIOR BOARD OF INDIAN APPEALS

Judy Anderson, Robinson Rancheria, Interim Business Council;  
and Coalition of Concerned Members of the Robinson Indian Rancheria  
v. Sacramento Area Director, Bureau of Indian Affairs

31 IBIA 251 (11/06/1997)



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

JUDY ANDERSON, ROBINSON RANCHERIA	:	Order Dismissing Appeals
INTERIM BUSINESS COUNCIL, and	:	
COALITION OF CONCERNED MEMBERS	:	
OF THE ROBINSON INDIAN RANCHERIA,	:	
Appellants	:	
	:	Docket Nos. IBIA 95-152-A
v.	:	IBIA 96-38-A
	:	
SACRAMENTO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	November 6, 1997

Appellants Judy Anderson, Robinson Rancheria Interim Business Council, and Coalition of Concerned Members of the Robinson Indian Rancheria sought review of two decisions concerning recognition of the tribal leadership for the Robinson Indian Rancheria (Tribe) which were issued by the Sacramento Area Director, Bureau of Indian Affairs (Area Director; BIA), on June 13, 1995, and November 22, 1995. For the reasons discussed below, the Board of Indian Appeals (Board) dismisses these appeals as moot.

On August 2, 1996, the Board received an Answer Brief and Motion to Dismiss from Herbert Anderson, Audrey Gutierrez, Kim Fernandez, Crystal Arroyo, Douglas Duncan, and the Robinson Rancheria Citizens Business Council (Respondents). Respondents sought dismissal of the appeals on the grounds that the dispute had been resolved through tribal elections held on February 3 and July 13, 1996. They noted, however, that it appeared likely the July 13, 1996, election would be invalidated by the tribal election forum. Appellants requested and were granted an extension of time for filing a reply brief and for responding to the motion to dismiss. Appellants did not file either a reply brief or a response to the motion by the August 30, 1996, due date.

By order dated March 24, 1997, the Board requested further information on whether the July 13, 1996, election had been invalidated and, if so, what had happened since the invalidation. Only Respondents filed a reply. They stated that the July 13, 1996, election had been invalidated, and a new election was scheduled for June 14, 1997. Respondents asked the Board to allow the dispute to continue to be addressed through tribal forums.

On August 25, 1997, the Board requested information concerning the June 14, 1997, election. The Board has received two subsequent responses, both from the Area Director. In a response received on September 16, 1997, the Area Director stated that a runoff election was held on August 9, 1997, and that one appeal of that election had been filed in a tribal forum. In a response received on November 3, 1997, the Area Director submitted a copy of a September 22, 1997, letter from the Superintendent, Central California

Agency, BIA, recognizing the results of the tribal election. The Superintendent's letter states that "the Robinson Rancheria Citizens Council made a decision in accordance with tribal law on the appeals to the Tribe's Special Election held on August 9, 1997. Based upon the Tribe's actions in this matter, the \* \* \* Agency is honoring the Tribe's decision to recognize the following individuals as their Citizens Council \* \* \*."

Appellants have still not responded to the August 2, 1996, motion to dismiss, and have not disputed any of the tribal election information that has been provided to the Board over the past year.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, these appeals from the Sacramento Area Director's June 13, 1995, and November 22, 1995, decisions are dismissed as moot on the grounds that this leadership dispute has been resolved through the electoral process. 1/

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge

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1/ This decision does not constitute a determination that the Coalition of Concerned Members of the Robinson Indian Rancheria was a proper appellant.